

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Kenneth Riley,

Plaintiff,

v.

Borough of Eddystone et al,

Defendants.

CIVIL ACTION
NO. 24-1835

ORDER

AND NOW, this 10th day of September 2024, upon consideration of the Motion to Dismiss and for a More Definite Statement filed by Defendants Borough of Eddystone, Rob Yannuzzi, William Stewart, Randy Perry, and Ronald Hughes (ECF No. 12), the Motion to Dismiss by Defendant Dawn Jones (ECF No. 16), Plaintiff's Responses (ECF Nos. 14, 17), and Jones's Reply (ECF No. 18), it is **ORDERED** ECF 12 is **GRANTED in part** and **DENIED in part**, and ECF 16 is **GRANTED in part** and **DENIED in part**:

1. Plaintiff's claims under Title VII for intentional discrimination based on race, hostile work environment based on race, and retaliation are **DISMISSED without prejudice**.
2. Plaintiff's claims under 42 U.S.C. § 1983 against the individual defendants in their official capacities are **DISMISSED with prejudice**.
3. Plaintiff may amend his Complaint, consistent with the accompanying Memorandum, on or before October 1, 2024.

BY THE COURT:

/s/ Gerald J. Pappert
Gerald J. Pappert, J.